

Development Plan Document (DPD)

Publication Stage Representation Form

Waltham Forest LDF Core Strategy DPD	For office use only Reference No: Date received:
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Representations can be made using this form or online:

<http://walthamforest-consult.limehouse.co.uk/portal>

If using this representation form, please return to the London Borough of Waltham Forest by 5pm on Monday, 28 February 2011

By post: Spatial Planning, Fir Tree House, London Borough of Waltham Forest,
Town Hall Complex, Walthamstow, London E17 4JF

By email: planning.policy@walthamforest.gov.uk

This form has two parts:

Part A – Personal details (only needed once irrespective of how many representations you make)

Part B – Your representation(s). Please complete a separate sheet for **every** representation you wish to make, remembering to insert your name or organisation's name.

Please read the guidance notes before completing this form.

PART A

	1. Personal details*	2. Agent details (if applicable)
Title		
First name		
Last name		
Job title (where relevant)		
Organisation (where relevant)		
Address		
Post Code		
Telephone number		
Email address		

¹*If an agent is appointed, please enter the person and/or organisation being represented in column 1 and complete all contact details in column 2

Part B

Please use a separate sheet for each representation

Name or organisation:

For office use only

Ref No:

support:

object:

omission:

3. To which part of the DPD does this representation relate?

Paragraph

Policy

4. Do you consider the Core Strategy DPD is:

(1) Legally Compliant

Yes

No

(2) Sound

Yes

No

If you have entered 'no' to 4(2), please continue to Q5. In all other circumstances, please go to Q6.

5. Do you consider the DPD is unsound because it is not:

(1) Justified

(2) Effective

(3) Consistent with national policy

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

(continue on a separate sheet if necessary)

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at the publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(continue on a separate sheet if necessary)

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

(continue on a separate sheet if necessary)

Please note *the inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.*

Signature: _____

Date: _____

If you wish to be informed of the date of the submission of the document to the Secretary of State, please tick this box.

GUIDANCE NOTES

Introduction

These guidance notes have been produced to assist anyone who wishes to make a formal representation on the proposed submission Core Strategy development plan document (DPD), which is subject to a period of representation from Monday 17 January 2011 to Monday 28 February 2011. The DPD is published in order for representations to be made prior to submission. The representations will be considered alongside the submitted DPD, which will be examined by a Planning Inspector.

The Planning and Compulsory Purchase Act 2004¹ (the 2004 Act) states that the purpose of the examination is to consider whether the DPD complies with legal requirements and is 'sound'.

- 1) If you are seeking to make representations on the way in which the Local Planning Authority (LPA) has prepared the published DPD it is likely that your comments or objections will relate to a matter of legal compliance.
- 2) If it is the actual content on which you wish to comment or object it is likely it will relate to whether the DPD is justified, effective or consistent with national policy.

Please note that all respondents must complete their personal details as it is not possible for representations to be considered anonymously. Respondents should also note that representations are not confidential and that they will be published on the Council's website and copies will be placed at appropriate venues across the borough for public inspection, although the names and addresses of representations from individuals will be removed.

Legal Compliance

The Inspector will first check that the Core Strategy meets the legal requirements under Section 20(5)(a) of the 2004 Act before moving on to test for soundness. You should consider the following before making representation on a legal compliance:

- The Core Strategy should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the documents it proposes to produce over a set period. It sets out the key stages in the production of any documents the Council propose to bring forward for independent examination. If the Core Strategy is not in the current LDS it should not have been published for representations. The LDS should be on the Council's website and available at their main offices.
- The process of community involvement for the Core Strategy should be in general accordance with the Council's Statement of Community Involvement (SCI)². The SCI is a document that sets out the Council's strategy for involving the community in the preparation and revision of Local Development Documents for the Local Development Framework (LDF) and the consideration of planning applications.

¹ View the Planning Act online at <http://www.legislation.gov.uk/ukpga/2004/5/contents>

² View the SCI online at : <http://www.walthamforest.gov.uk/ldfconsultation.htm>

- The Core Strategy should comply with the Town and County Planning (Local Development) (England Regulations) 2004 (as amended)³. On publication, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and on their website. The Council must also place local advertisements and notify the DPD bodies (as set out in the regulations) and any persons who have requested to be notified.
- The Council is required to publish a Sustainability Appraisal Report when they publish a Development Plan Document. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The Core Strategy should have regard to national policy and conform generally to the London Plan Spatial Development Strategy for Greater London (2008)⁴. The London Plan sets out the region's policies in relation to the development and use of land and forms part of the development plan for London boroughs.
- The Core Strategy must have regard to any Sustainable Community Strategy (SCS)⁵ for its area (borough). The SCS is usually prepared by the Local Strategic Partnership which is representative of a range of interests in the borough. The SCS is subject to consultation but not to an independent examination.

Soundness

Soundness is explained fully in *Planning Policy Statement 12: Local Spatial Planning*⁶ in paragraphs 4.51 and 5.52. The Inspector has to be satisfied that the Core Strategy is justified, effective and consistent with national policy. To be sound a Development Plan Document (in this case the Core Strategy) should be:

1) **Justified**

This means that the DPD should be founded on a robust and credible evidence base involving:

- evidence of participation of the local community and others having an interest in the area; and
- research/fact finding: the choices made in the plan are backed up by facts.

The Core Strategy should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Core Strategy should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

2) **Effective**

This means the Core Strategy should be deliverable, embracing:

³ View the Planning Regulations online at <http://www.legislation.gov.uk/ukxi/2004/2204/contents/made>

⁴ View the London Plan online at <http://www.london.gov.uk/thelondonplan/thelondonplan.jsp>

⁵ View the Statement of Community Involvement at: <http://www.walthamforest.gov.uk/ldfconsultation.htm>

⁶ View PPS12 online at <http://www.communities.gov.uk/publications/planningandbuilding/pps12lsp>

- sound infrastructure delivery planning;
- having no regulatory or national planning barriers to delivery;
- delivery partners who are signed up to it; and
- coherence with the strategies of neighbouring authorities.

The Core Strategy should also be flexible and able to be monitored. The Core Strategy should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the Core Strategy should make clear that major changes may require a formal review including public consultation.

Any measures that the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report must be produced each year by all local authorities and will show whether the Core Strategy needs amendment.

3) **Consistent with national policy**

The DPD should be consistent with national policy. Where there is a departure, LPAs must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.

If you think the content of a DPD is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or in the Regional Spatial Strategy (or the Spatial Development Strategy in London)? If so it does not need to be included.
- Is what you are concerned with covered by any other policies in the DPD on which you are seeking to make representations or in any other DPD in the LPA's Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the DPD unsound without the policy?
- If the DPD is unsound without the policy, what should the policy say?

General advice

Representations are only valid if your name and address are supplied. Agents should please state the full name or organisation of who they are representing.

If you wish to make a representation seeking a change to a DPD or part of a DPD you should make clear in what way the DPD or part of the DPD is not sound having regard to the legal compliance check and three tests set out above.

You should try to support your representation by evidence showing why the DPD should be changed. It will be helpful if you also say precisely how you think the DPD should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Where there are groups who share a common view on how they wish to see a DPD changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.

Further detailed guidance on the preparation, publication and examination of DPDs is provided in PPS12 and in the *CLG Plan making manual*⁷.

⁷ View the CLG Plan making manual online at <http://www.pas.gov.uk/pas/core/page.do?pageId=109798>